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March 22, 2004

Hon Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37238

Re: *Petition for Arbitration of ITC^DeltaCom Communications, Inc. with
BellSouth Telecommunications, Inc. Pursuant to the Telecommunications
Act of 1996*
Docket No. 03-00119

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T.R.A. DECISION ROOM

Dear Chairman Tate.

ITC^DeltaCom Communications, Inc respectfully asks that the Tennessee Regulatory Authority reject the request of BellSouth Telecommunications, Inc. for a further delay in resolving issue No 26, which concerns the establishment of a "just and reasonable" rate for switching in the Nashville market

These proceedings have been ongoing for more than a year. The hearings were conducted more than six months ago. While ITC^DeltaCom has been more than agreeable to prior BellSouth requests for delay, the time has come to bring these matters to a close.

BellSouth suggests that a further delay is needed so that BellSouth can make an offer of settlement on issue 26. But the TRA has already directed the parties to file their "final best offers" on this issue. BellSouth has presumably made its "final best offer"; so has ITC^DeltaCom. To now allow BellSouth to make another, final "better" offer, which, according to BellSouth, will give the TRA "context for making a decision" (BellSouth letter, at 1), is fundamentally inconsistent with the FBO process and clearly unfair to ITC^DeltaCom.

Whatever decision the TRA makes today need not prevent the parties from continuing to negotiate. However, while ITC^DeltaCom is always ready to discuss these matters, the company is doubtful that the parties can reach a settlement of this issue. Thus, the only result of granting BellSouth's request would likely be, not a settlement, but the undermining of the FBO process.

For this reason, ITC^DeltaCom urges the Authority to reject BellSouth's last minute attempt to delay these proceedings.



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Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:


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HW/pp

Cc Guy Hicks